

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PACER FEE EXEMPTIONS)
)
)
 Misc. No. 09-239
JONAH BERGER,)
(PACER Account No. xxx0677)
)
 Movant.)

ORDER

This matter is before the Court upon the application and request by Jonah Berger (“Berger”) for an extension of the exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts, previously granted on March 30, 2021 (ECF Nos. 60, 76). For the reasons stated herein, the exemption shall be extended until March 31, 2023.

This Court finds that Berger is an individual researcher associated with an educational institution and, therefore, falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Additionally, Berger demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, Berger shall be exempt from the payment of fees for access via the Public Access to Court Electronic Records system (the “PACER System”) to the electronic case files maintained by this Court, to the extent such use is incurred in

the course of the defined academic research project described in the Application for Multi-Court Exemption from the Judicial Conference's Electronic Public Access Fees filed on March 30, 2021 (the "Original Application") (ECF No. 58). The Court finds that the research project described in the Original Application is intended for scholarly research and is limited in scope. Berger shall not be exempt from the payment of fees incurred in connection with other uses of the PACER System in this Court. Additionally, the following limitations apply:

- 1) This fee exemption applies only to Berger and is valid only for the academic research project described in the Original Application;
- 2) This fee exemption applies only to the electronic case files of this Court that are available through the PACER System;
- 3) By accepting this exemption, Berger agrees not to sell for profit any data obtained as a result of receiving this exemption;
- 4) Berger is prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution via Internet-based databases. This prohibition does not prevent Berger from relying upon the data obtained as a result of receiving this exemption in or in connection with the scholarly project described in the Application;

Therefore, the exemption previously granted on March 30, 2021 (ECF No. 60) is extended until March 31, 2023.

This exemption may be revoked at the discretion of the Court at any time. The Clerk of Court of the United States District Court for the Western District of Pennsylvania, or his designee, may periodically review the usage of Berger's exempt PACER System account during the term of this exemption.

Dated: March 4, 2022

BY THE COURT:

/s/ Mark R. Hornak
Mark R. Hornak
Chief United States District Judge

cc: PACER Service Center (*via email*)
Administrative Office of the United States Courts,
Multi-Court Exemptions Office (*via email*)
Jonah Berger (*via email*)